

United States Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems

**Authorization to Discharge Under the  
National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the “Act”,

**the City of Pocatello, the City of Chubbuck, Bannock County,  
and the Idaho Transportation Department - District #5  
(hereinafter “co-permittees”)**

are authorized to discharge from all municipal separate storm sewer system outfalls existing as of the effective date of this permit to receiving waters which include the Portneuf River, Pocatello Creek, and other associated waters of the United States within the Pocatello Urbanized Area, in accordance with the conditions and requirements set forth herein.

This permit shall become effective \_\_\_\_\_, 2006.

This permit and the authorization to discharge shall expire at midnight, \_\_\_\_\_, 2006

The co-permittees shall reapply for a permit reissuance on or before \_\_\_\_\_, 180 days before the expiration of this permit if the co-permittees intend to continue operations and discharges at the facility beyond the term of this permit.

Signed this     day of

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Michael F. Gearheard, Director  
Office of Water and Watersheds

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## I. Applicability

**A. Permit Area.** This permit covers all areas within the Pocatello Urbanized Area served by the municipal separate storm sewer systems (MS4s) owned or operated by the City of Pocatello, City of Chubbuck, Bannock County, and Idaho Transportation Department District #5 (“co-permittees”).

**B. Discharges Authorized Under This Permit.** During the effective dates of this permit, the co-permittees are authorized to discharge storm water to waters of the United States from the following areas, subject to the conditions set forth herein:

- 1) all portions of the MS4s owned and operated by the City of Pocatello, City of Chubbuck, Bannock County, and
- 2) the portions of the MS4 with State of Idaho rights-of-way located within the boundaries of the Pocatello Urbanized Area which are owned or operated by the Idaho Transportation Department.

This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, and storm water associated with industrial activity, provided that the storm water is commingled only with those discharges set forth in Part I.D. of this permit.

## C. Co-Permittees’ Responsibilities

1. **Individual Responsibility.** Each permittee is individually responsible for permit compliance related only to portions of the MS4 owned or operated solely by that permittee, and where this permit directs action or inaction by the named permittee.
2. **Joint Responsibility.** Each permittee is jointly responsible for permit compliance:
  - a) related to portions of the MS4 where operational or storm water management program implementation authority has been transferred from one permittee to another in accordance with an enforceable intergovernmental cooperative agreement;
  - b) related to portions of the MS4 where co-permittees jointly own or operate a portion of the MS4; and
  - c) related to the submission of reports or other documents required by Part II and Part IV of this permit.
3. **Cooperative Agreement.** The co-permittees must maintain an enforceable intergovernmental cooperative agreement between the partners. If necessary, the existing agreement signed by the co-permittees on August 4, 2003, must be updated in accordance with this permit. A copy of the updated cooperative agreement, or confirmation that the agreement needs no update, must be submitted to the Director of the Office of Water and Watersheds, U.S. Environmental Protection Agency (EPA) and Idaho Department of

Environmental Quality (IDEQ) within ninety (90) days from the effective date of this permit.

#### **D. Limitations on Permit Coverage**

1. **Non-Storm Water Discharges.** The co-permittees are not authorized to discharge non-storm water from the MS4s, except where such discharges satisfy one of the following three conditions:
  - a) The non-storm water discharges are in compliance with a separate NPDES permit;
  - b) The non-storm water discharges result from a spill and:
    - (i) are the result of an unforeseen weather event where reasonable and prudent measures have been taken to minimize the impact of such discharge; or
    - (ii) consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; or
  - c) The non-storm water discharges satisfy each of the following two conditions:
    - (i) The discharges consist of uncontaminated water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR§ 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, water from crawlspace pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, residential building wash waters without detergents, or flows from emergency firefighting activities; and
    - (ii) The discharges are not sources of pollution to waters of the United States. A discharge is considered a source of pollution to waters of the United States if it:
      - (a) Contains hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses (hazardous materials are those that are harmful to humans and animals from exposure, but not necessarily ingestion);
      - (b) Contains toxic substances in concentrations that impair designated beneficial uses (toxic substances are those that can cause disease, malignancy, genetic mutation, death, or similar consequences);

- (c) Contains deleterious materials in concentrations that impair designated beneficial uses (deleterious materials are generally substances that taint edible species of fish, cause taste in drinking waters, or cause harm to fish or other aquatic life);
  - (d) Contains radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR Part 20;
  - (e) Contains floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or in concentrations that may impair designated beneficial uses;
  - (f) Contains excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses;
  - (g) Contains oxygen-demanding materials in concentrations that would result in anaerobic water conditions; or
  - (h) Contains sediment above quantities specified in [IDAPA 58.01.02.250 and .02.252](#), or in the absence of specific sediment criteria, above quantities that impair designated beneficial uses.
2. **Discharges Threatening Water Quality.** The co-permittees are not authorized to discharge storm water that the EPA determines will cause, or have the reasonable potential to cause or contribute to, violations of water quality standards.
3. **Discharge Compliance with Anti-Degradation Policy.** The co-permittees are not authorized to discharge storm water that does not comply with Idaho's anti-degradation policy for water quality standards. Idaho's anti-degradation policy, [IDAPA 58.01.02.051](#), can be obtained from the IDEQ at the address listed in Part IV.D.
4. **Snow Disposal to Receiving Waters.** The co-permittees are not authorized to dispose of snow directly to waters of the United States or directly to the MS4(s).

## II. Storm Water Management Program Requirements

### A. General Requirements

1. The SWMP actions and activities are outlined through the minimum control measures in Part II.B, the Structural Control Plan described in Part II.C, and the monitoring activities described in Part IV. Co-permittees must implement a SWMP that provides:
  - a) Best Management Practices that are selected, implemented, maintained and updated to ensure that storm water discharges do not cause or contribute to an exceedance of an applicable numeric or narrative water quality standard; and

- b) Measurable goals, including interim milestones, for each BMP.
- 2. Modifications to the SWMP must be made in accordance with Part II.D of this permit
- 3. Implementation of one or more of the minimum control measures may be shared with another entity who is not subject to this permit, or such entity may fully take over the measure. Co-permittees may rely on another entity only if:
  - a) The other entity, in fact, implements the control measure;
  - b) The control measure, or component of that measure, is at least as stringent as the corresponding permit requirement; and
  - c) The other entity agrees to implement the control measure on the co-permittees' behalf. A legally binding written acceptance of this obligation is required. Co-permittees must maintain this obligation as part of the SWMP. If the other entity agrees to report on the minimum control measure, the co-permittees must supply the other entity with the reporting requirements in Part IV.C. of this permit.

Co-permittees remain responsible for compliance with the permit obligations if the other entity fails to implement the control measure.

**B. Minimum Control Measures.** The minimum control measures that must be accomplished through this Storm Water Management Program are:

1. **Public Education and Outreach**

- a) Within one year of the effective date of this permit, the co-permittees must implement an ongoing public education program to educate the community about the impacts of storm water discharges on local water bodies and the steps that citizens and businesses can take to reduce pollutants in storm water runoff.
- b) Within one year of the effective date of this permit, co-permittees must, at a minimum, produce informational material on each of the following activities and distribute to appropriate target audiences: an "Adopt a Storm Drain" program associated with the illicit discharge program; proper hazardous waste collection practices for the Lower Portneuf Valley residents; and the effects of erosion and runoff on water quality. Informational materials must be updated, reprinted and distributed as necessary through the duration of this permit.
- c) Not later than one year from the effective date of this permit, the co-permittees must create, maintain and promote an informational storm water website for Lower Portneuf Valley area residents. All annual reports, NPDES permit applications, SWMP information and meeting notices must be posted on this website, and include links to other relevant and appropriate websites. Within three years of the permit effective date, information specifically targeted to school-aged children must be included on the website.

- d) Not later than two years from the effective date of this permit, the co-permittees must establish and promote a speakers bureau to inform the community about storm water runoff and water quality issues. Co-permittees must conduct at least two presentations per year thereafter to local community audiences.
- e) Within three years from the effective date of this permit, co-permittees must partner with Idaho State University to create age appropriate lesson plans regarding storm water runoff and water quality issues for school age students. The co-permittees must participate in at least one teacher's workshop or other forum to promote the use of such lesson plans.

## 2. **Public Involvement/Participation**

- a) The co-permittees must comply with applicable State and local public notice requirements when implementing a public involvement/participation program.
- b) The co-permittees must make all relevant SWMP documents and all Annual Reports available to the public. Within two years of the effective date of this permit, all SWMP documentation and Annual Reports must be posted on the co-permittees' website.
- c) Within two years of the effective date of this permit, and annually thereafter, co-permittees must organize and host a community River Clean up Day(s).
- d) Within two years of the effective date of this permit, co-permittees must establish a partnership with local off-road vehicle retailers and organizations to define and promote good environmental stewardship practices for riders.
- e) Within one year of the effective date of this permit, co-permittees will develop and implement a storm drain stenciling program. Within four years of the effective date of this permit, at least 120 storm drains throughout the jurisdictions will be stenciled.
- f) Within six months of the effective date of this permit, and as appropriate thereafter, co-permittees must convene at least one meeting with their respective city/county commissioners or governing body to discuss the SWMP and collect public comment.

## 3. **Illicit Discharge Detection and Elimination**

An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of storm water. Exceptions are described in Part I.D.1.c. of this permit.

- a) No later than two years from the effective date of this permit, the co-permittees must develop and implement a program to detect and

eliminate illicit discharges from their MS4s. The program must include procedures for detection, identification of sources, and removal of non-storm water discharges from the storm sewer system. This program must address illegal dumping into the storm sewer system, and include training for city, county and ITD staff on how to respond to reports of illicit discharges. Each co-permittee must develop an information management system to track illicit discharges, and establish a “hotline” telephone number for citizens to call to report problems.

- b) Not later than three years from the effective date of this permit, all co-permittees must effectively prohibit non-storm water discharges into their system through an ordinance or other regulatory mechanism to the extent allowable under state or local law. Co-permittees must implement appropriate enforcement procedures and actions, including enforcement escalation procedures for recalcitrant or repeat offenders.
- c) Through the ordinance or other regulatory mechanism, co-permittees must prohibit any of the excepted non-storm water flows listed in Part I.D.1.c. only if such flows are identified (by EPA or the co-permittees) as a source of pollutants to the MS4. Co-permittees must document to EPA in the Annual Report any existing local controls or conditions placed on the excepted non-storm water discharges listed in Part I.D.1.c.
- d) Co-permittees must continue the hazardous waste disposal program at the Bannock County landfill, and must inform the public of hazards associated with illegal discharges and improper disposal of waste.
- e) Not later than four years from the effective date of this permit, all co-permittees must complete a comprehensive storm sewer system map. At a minimum, each map must show jurisdictional boundaries, the location of all inlets and outfalls, names and locations of all waters that receive discharges from those outfalls, and locations of all municipally-owned and operated facilities, including any public or private snow disposal sites. The map shall be available in electronic or digital format as appropriate. A copy of the completed map must be submitted to EPA and IDEQ as part of the corresponding Annual Report.
- f) Not later than three years from the effective date of this permit, co-permittees must begin dry weather field screening for non-storm water flows from all outfalls. By the expiration date of the permit, 100% of the co-permittees’ outfalls within the Pocatello Urbanized Area must be screened for dry weather flows. The screening should include field tests of selected chemical parameters as indicators of discharge sources. Screening level tests may utilize less expensive “field test kits” using test methods not approved by EPA under 40 CFR Part 136, provided the manufacturer’s published detection ranges are adequate for the illicit discharge detection purposes. By the expiration date of this permit, at least 50% of the storm sewer lines must be surveyed using closed-circuit television to identify illicit connections. The co-permittees must investigate any illicit discharge within fifteen (15) days of its detection,



and must take action to eliminate the source of the discharge within 45 days of its detection.

- g) Not later than three years from the effective date of this permit, the co-permittees must inventory those industrial facilities that discharge into the co-permittees' MS4 or to waters of the United States within the Pocatello Urbanized Area. The types of industrial facilities that must be inventoried are set forth in 40 CFR §122.26(b)(14)(i) through (xi). This inventory must include the location of the facility, the location of its outfall and corresponding receiving water, and the NPDES permit status for its storm water discharge.

4. **Construction Site Storm Water Runoff Control**

- a) Not later than two years from the permit effective date, the co-permittees must develop, implement, and enforce a program to reduce pollutants in storm water runoff to the MS4 from construction activities resulting in land disturbance of one acre or more. This program must include controls for pollutants in such storm water discharges from activity disturbing less than one acre, if that construction activity is part of a larger common plan of development or sale that disturbs one acre or more. Through this program, co-permittees must provide adequate direction to representatives of proposed new development and redevelopment projects regarding the NPDES General Permit for Storm Water Discharges for Construction Activity in Idaho, #IDR10-0000 (Construction General Permit).

If EPA waives the NPDES permit requirements for storm water discharges associated with a specific small construction activity (*i.e.*, a single project) in accordance with 40 CFR §122.26(b)(15)(i)(A) or (B), the co-permittee is not required to develop, implement, and/or enforce the program to reduce pollutant discharges from that particular site.

- b) Not later than two years from the effective date of this permit, the co-permittees must adopt an ordinance or other regulatory mechanism to the extent allowable under state or local law that requires construction site operators to practice appropriate erosion, sediment and waste control. This ordinance or regulatory mechanism must include sanctions to ensure compliance. The co-permittees may evaluate any existing procedures, policies, and authorities pertaining to activities occurring on their property-to assist in the development of the required regulatory mechanism.
- c) Not later than two years from the effective date of this permit, the co-permittees must publish and distribute local requirements for construction site operators to implement appropriate erosion and sediment control measures, and to control waste (such as discarded building materials, concrete truck washout, chemicals, litter and sanitary

waste at the construction site) that may cause adverse impacts to water quality.

- d) Not later than two years from the effective date of this permit, the co-permittees must develop procedures for reviewing all site plans for potential water quality impacts, including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the ordinance or other enforceable mechanism previously discussed in Part II.C.4.b. These procedures must include provisions for receipt and consideration of information submitted by the public.
- e) Not later than two years from the effective date of this permit, the co-permittees must develop and implement procedures for construction site inspection and enforcement of the local control measures established as required in Parts II.C.4.b and c, including enforcement escalation procedures for recalcitrant or repeat offenders. As part of these procedures, the co-permittees shall inspect all construction sites in their jurisdictions for appropriate erosion/sediment/waste control at least once per construction season.
- f) Not later than three years from the effective date of this permit, co-permittees must develop and conduct at least one training session for the local construction/design/engineering audience related to the construction ordinance and control requirements referenced in Parts II.C.4.b. and c.
- g) Not later than three years from the effective dates of this permit, the co-permittees must implement a program to receive, track, and consider information submitted by the public regarding construction site erosion and sediment control concerns.
- h) The co-permittees must ensure all public construction projects operated by their organizations comply with the NPDES General Permit for Storm Water Discharges for Construction Activity in Idaho, #IDR10-0000 (Construction General Permit) and relevant local requirements for erosion, sediment and onsite materials control.

5. **Post-Construction Storm Water Management in New Development and Redeveloped Areas**

- a) Not later than four years from the effective date of this permit, the co-permittees must develop, implement, and enforce requirements to address post-construction storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, (including projects less than one acre that are part of a larger common plan of development or sale) and discharge into the MS4. The program must ensure that controls are enacted that prevent or minimize water quality impacts from newly developed or re-developed areas.

- b) Not later than four years from the effective date of this permit, each co-permittee must adopt an ordinance or other regulatory mechanism to the extent allowable under state or local law to address post-construction runoff from new development and redevelopment projects. If such requirements do not currently exist, adoption of a regulatory mechanism must be part of the program. The co-permittees may evaluate existing procedures, policies, and authorities pertaining to activities occurring on their property to assist in the development of the required regulatory mechanism.
- c) Not later than four years from the effective date of this permit, the co-permittees must publish and distribute a design manual of practices for post-construction storm water management, that includes a list of strategies reflecting a combination of structural and/or non-structural BMPs appropriate to the MS4(s). This design manual must include, but is not limited to, requirements for the appropriate design and construction of septic systems, parking lots, and snow disposal sites.
- d) The co-permittees must ensure proper long-term operation and maintenance of post-construction BMPs.
- e) Not later than four years from the effective date of this permit, the co-permittees must develop and conduct at least one training for local developers, engineers and the public regarding the requirements of the design manual and local ordinance(s) referenced in Parts II.C.5.b. and c.
- f) Prior to the expiration date of this permit, the co-permittees must initiate and sponsor at least one independent field assessment or demonstration project to confirm the effectiveness of the local requirement(s) for post-construction storm water management. Examples of field assessment or demonstration projects include, but are not limited to: comparing various alternatives to paving; demonstrating one or more techniques for increasing infiltration; verifying effectiveness of end-of-pipe treatment systems; or other appropriate actions.

6. **Pollution Prevention and Good Housekeeping for Municipal Operations**

- a) Not later than two years from the effective date of this permit, the co-permittees must develop and implement an operation and maintenance program intended to prevent or reduce pollutant runoff from municipal operations. Co-permittees must, at a minimum, address all of the following activities occurring within their jurisdiction: fleet maintenance and vehicle washing; grounds/park maintenance; building maintenance; street cleaning and maintenance; solid waste transfer activities; water treatment plant operations; municipal golf course maintenance; materials storage; hazardous materials storage; used oil recycling; spill control and prevention measures for municipal refueling facilities; municipal new construction and land disturbances; storm water system maintenance;

snow removal practices, and snow disposal site operation and maintenance.

- b) Not later than two years of the effective date of this permit, co-permittees must complete a study of the effectiveness of current street cleaning operations, catch basin cleaning operations, street sanding and salt practices, and other municipal activities. This study must also examine the existing practices for the disposal of waste removed from the MS4 and MS4 operations. This evaluation must identify actions to improve effectiveness of municipal operations, and timelines for incorporating such improvements.
- c) Not later than two years from the effective date of this permit, co-permittees must develop and conduct appropriate training for municipal personnel related to optimum maintenance practices for the protection of water quality. Two such training sessions for municipal personnel per year must be conducted thereafter.
- d) Not later than two years from the effective date of this permit, co-permittees must ensure that new flood management projects are assessed for impacts on water quality and must ensure that existing projects are assessed for incorporation of additional water quality protection devices or practices.

### **C. Structural Control Requirements to Address Pollutants of Concern.**

- 1. Each co-permittee shall review, and amend as necessary, their respective jurisdiction's Master Plan, Comprehensive Plan, or other equivalent plan, to identify and prioritize capital improvements and other practices that will directly reduce the pollutants of concern. For the purposes of this permit, suspended sediment, bacteria, oil and grease, and nutrients are considered the "pollutants of concern."
- 2. Each co-permittee must define and construct structural controls that address water quality impacts resulting from development and storm water pollutant discharges. The co-permittees shall consider impacts caused by storm water discharges from areas of existing development (including runoff from highways, streets and roads owned and operated by the co-permittees), and areas of new development where impacts are anticipated as development proceeds. This effort must address impacts that are not adequately controlled by other required actions of the SWMP and this permit, and shall identify necessary actions that will significantly reduce the discharge of pollutants of concern from the MS4s to the Portneuf River and surrounding waters. Co-permittees may not use culvert replacement projects for compliance with this requirement.
- 3. Within 12 months of the effective date of this permit, the co-permittees must submit a Structural Control Plan to EPA and IDEQ containing:

- a) A detailed description of the specific actions and capital improvement projects necessary to reduce the discharge of the pollutants of concern;
  - b) An prioritized implementation schedule for those projects to be accomplished, not to exceed a ten-year period;
  - c) The amount budgeted for implementation; and
  - d) For individual projects, the following information must be provided: the estimated pollutant load reduction that will result from each project designed to provide storm water treatment or source reduction; the expected outcome of each project designed to provide flow control; and any other expected environmental benefits.
4. The co-permittees must submit the Structural Control Plan to EPA and IDEQ as part of the first Annual Report required in Part IV.C.3
  5. Within 18 months of the effective date of this permit, co-permittees must begin implementing the prioritized projects outlined in the Structural Control Plan. Progress toward implementing the actions identified in the Structural Control Plan must be reported in each subsequent Annual Report.

#### **D. Reviewing and Updating the Storm Water Management Program**

1. Co-permittees must annually review their SWMP actions and activities as part of the preparation of the Annual Report required under Part IV.C.3.
2. Co-permittees may request changes to any SWMP action or activity specified in this permit in accordance with the following procedures:
  - a) Changes to delete or replace an action or activity specifically identified in this permit with an alternate action or activity may be requested at any time. Modification requests to EPA must include:
    - (i) An analysis of why the original actions or activity is ineffective, infeasible, or cost prohibitive;
    - (ii) Expectations on the effectiveness of the replacement action or activity; and
    - (iii) An analysis of why the replacement action or activity is expected to better achieve the permit requirements.
  - b) Change requests must be made in writing and signed by all co-permittees in accordance with Part VI.E.
3. Documentation of any of the actions or activities required by this permit must be submitted to EPA upon request.
  - a) EPA may review and subsequently notify the co-permittees that changes to the SWMP are necessary to:

- (i) Address discharges from the MS4 that are causing or contributing to water quality impacts;
  - (ii) Include more stringent requirements necessary to comply with new federal or state statutory or regulatory requirements; or
  - (iii) Include other conditions deemed necessary by EPA to comply with water quality standards, and/or other goals and requirements of the CWA.
- b) If EPA notifies the co-permittees that changes are necessary pursuant to Part II.D.3.a, the notification will offer the co-permittees an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the co-permittees must implement any required changes according to the schedule set by EPA.
4. Any modifications to this permit will be accomplished according to Part VI.A of this permit.

**E. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.** Co-permittees must implement the actions and activities of the SWMP in all new areas added or transferred to the permittee's MS4 (or for which a co-permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from the date upon which the new areas were added. Such additions and schedules for implementation must be documented in the next Annual Report following the transfer.

**F. Storm Water Management Program Resources.** Co-permittees must provide adequate finances, staff, equipment and other support capabilities to implement their SWMP actions and activities outlined in this permit.

### III. Schedule for Implementation and Compliance

Table III.A Storm Water Management Program – Schedule for Implementation and Compliance			
Part	SWMP Activity Summary	Compliance Date	Responsibility
General Requirements			
Part I.C.3.	Submit a copy of the final intergovernmental Cooperative Agreement signed by all four co-permittees	Within 90 days of permit effective date	All permittees must sign this agreement.
Part II.C	Submit a Structural Control Plan that identifies and prioritizes structural controls and improvements that specifically address the pollutants of concern (sediment, bacteria, oil and grease, and nutrients)	One year from permit effective date	All permittees
	Begin implementing Plan	18 months from permit effective date	
Part II.D and IV.C.	Conduct an annual review of SWMP implementation and submit an Annual Report	One year from permit effective date, annually thereafter	All permittees
Part IV.A	Develop a Quality Assurance Plan for storm water discharge and surface water monitoring, provide written notice to EPA and IDEQ;	Within 90 days of permit effective date	All permittees
	Begin monitoring	Within 9 months of permit effective date	
Public Education and Outreach (40 CFR §122.34(b)(1))			
Part II.B.1	Plan and implement public education program for local audiences (II.B.1.a)	One year from permit effective date	All permittees will work together to accomplish these tasks
	Produce and distribute informational materials on: “Adopt a Storm Drain” illicit discharge program; proper hazardous waste collection practices for the Lower Portneuf Valley residents; and the effects of erosion and runoff on water quality. (II.B.1.b)	One year from permit effective date, annually thereafter	
	Create, maintain and promote a storm water informational website for the Lower Portneuf Valley area. (II.B.1.c) Include information for school age children. Work with ISU to develop age-appropriate curriculum on impacts of urban runoff; participate in at least one teacher’s workshop (II.B.1.e)	One year from permit effective date  Three years from permit effective date	
	Establish a speakers bureau; conduct at least two presentations per year thereafter (II.B.1.d)	Two years from permit effective date, annually thereafter.	

Table III.A, continued Storm Water Management Program - Schedule for Implementation and Compliance			
Part	SWMP Activity Summary	Compliance Date	Responsibility
Public Involvement and Participation (40 CFR §122.34(b)(2))			
Part II.B.2	Post SWMP description and all Reports on the web (II.B.2.b)	Two years from permit effective date	Each permittee will contribute to these joint projects
	Organize and host a community River Clean Up Day (II.B.2.c)		
	Establish a partnership with ORV retailers and organizations to promote good environmental stewardship practices. (II.B.2.d)	Two years from permit effective date, ongoing thereafter	
	Organize and conduct a Storm Drain Stenciling Program (II.B.2.e)	One year from permit effective date	
	At least 120 storm drains stenciled	Within four years of permit effective date	
	Conduct at least one meeting with respective city/county commissioners to discuss the SWMP and collect public comment. (II.B.2.f)	Within 6 months of permit effective date, as appropriate thereafter	
Illicit Discharge Detection and Elimination (40 CFR §122.34 (b)(3))			
Part II.B.3	Implement a program to detect and address illicit discharges to the MS4(s), including training for municipal staff, a and a hotline for citizen reporting, and a system for tracking information on illicit discharge discovery and response (II.B.3.a)	Two years from permit effective date	Each permittee is responsible
	Adopt an ordinance or other control measure to prohibit illicit discharges to the MS4(s); prohibit any specific non-storm water discharge, if necessary (II.B.3.b & c)	Three years from permit effective date	Each permittee responsible for its jurisdiction
	Continue the hazardous waste disposal program at the Bannock County landfill (II.B.3.d)	Ongoing	Each permittee
	Finalize a comprehensive storm sewer system map (II.B.3.e)	Four years from permit effective date	Each permittee is responsible for map
	Complete dry weather field screening for non-storm water from 100% of all outfalls. Complete inspection of at least 50% of the storm sewer lines using closed-circuit television (II.B.3.f)	Within five years of permit effective date	Each permittee is responsible for screening their outfalls/storm sewer lines
	Inventory all industrial facilities discharging storm water within the Urbanized Area. (II.B.3.g)	Three years from permit effective date	Each permittee



<b>Table III.A, continued</b> <b>Storm Water Management Program - Schedules for Implementation and Compliance</b>			
<b>Part</b>	<b>SWMP Activity Summary</b>	<b>Compliance Date</b>	<b>Responsibility</b>
<b><i>Construction Site Storm Water Runoff (40 CFR §122.34(b)(4))</i></b>			
Part II.B.4	Develop, implement and enforce a construction site runoff control program for sites disturbing one or more acres of land (II.B.4.a)	Within two years of the effective date of this permit	Each permittee
	Adopt an ordinance or other control measure to require construction site operators to practice erosion, sediment and waste control (II.B.4.b)		Each permittee responsible adoption and implementation
	Publish and distribute written local requirements for construction site best management practices (II.B.4.c)		Permittees may develop joint documents
	Develop procedures for reviewing site plans and receiving public comment (II.B.4.d)		Each permittee
	Develop and implement procedures for site inspection and enforcement; inspect all construction sites at least once per construction season (II.B.4.e)		Each permittee
	Conduct training for contractors/developers/engineers on the construction ordinance(s) and BMP requirements (Part II.B.4.f)	Within three years of the effective date of this permit	Each permittee responsible for training
	Develop means of tracking information submitted by the public regarding erosion/sediment control concerns (Part II.C.4.g)	Three years from permit effective date	Each permittee is responsible for this tracking
<b><i>Post-Construction Storm Water Management (40 CFR §122.34(b)(5))</i></b>			
Part II.B.5	Develop, implement and enforce a program to address post-construction runoff from new development and redevelopment (II.B.5.a)	Within four years of the effective date of this permit	Each permittee is responsible for implementation
	Adopt and implement an ordinance or other control measure requiring BMPs to reduce pollutants in storm water runoff from new development or redevelopment projects (II.B.5.b)		Each permittee is responsible for adoption and implementation
	Publish and distribute BMP design manual for post-construction storm water management (II.B.5.c)		Joint permittee project
	Develop and conduct at least one workshop for developers and engineers (II.B.5.e)		Each permittee will contribute to this joint project
	At least one independent field assessment or demonstration project to confirm local requirement(s) for post-construction storm water management (II.B.5.f)	Prior to the expiration date of this permit	All permittees are responsible for ensuring this activity is accomplished

<b>Table III.A, continued</b> <b>Storm Water Management Program - Schedules for Implementation and Compliance</b>			
<b>Part</b>	<b>SWMP Activity Summary</b>	<b>Compliance Date</b>	<b>Responsibility</b>
<i>Pollution Prevention/Good Housekeeping (40 CFR §122.34(b)(6))</i>			
Part II.B.6	Develop and implement an operation and maintenance program to prevent pollutant runoff from municipal activities. (II.B.6.a)	Within two years of the effective date of this permit	Each permittee is responsible for evaluating their own practices, developing guidance for operational effectiveness and conveying that information to their maintenance personnel. Co-permittees may work together to accomplish these objectives.
	Evaluate effectiveness of existing street cleaning, storm drain cleaning, sand/salt practices, and waste disposal practices within the co-permittees' jurisdictions. (II.B.6.b)		
	Develop appropriate training for municipal personnel (II.B.6.c), provide training twice annually thereafter		
	Evaluate other municipal activities/flood management projects for potential storm water impacts on water quality, make changes if necessary (II.B.6.d)		

## IV. Monitoring, Recordkeeping and Reporting Requirements

### A. Monitoring

1. **Monitoring Objectives.** The co-permittees must monitor both the quality of storm water discharges from their MS4s, and surface water quality of the Portneuf River. This monitoring effort must:
  - a) Estimate the pollutant loading currently discharged to the Portneuf River from the MS4s;
  - b) Assess the effectiveness and adequacy of control measures implemented through this permit; and
  - c) Identify and prioritize those portions of the MS4s requiring additional controls.
2. **Representative Sampling.** Samples and measurements must be representative of the volume and the nature of the monitored discharge.

**3. Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under 40 CFR 136. Where an approved Part 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from EPA and IDEQ.

**4. Storm Water Discharge Monitoring.** Not later than 9 months from the effective date of this permit, the co-permittees must conduct storm water discharge sampling as indicated in Table IV.A

**Table IV.A: Monitoring Requirements**

Parameter	Monitoring requirements		
	Sample location <sup>1</sup>	Sample frequency <sup>2</sup>	Sample type <sup>3</sup>
Flow	Four	6 times/yr	Recording
Oil and grease	Four	6 times/yr	Grab
Total phosphorus	Four	6 times/yr	Grab
Total inorganic nitrogen <sup>4</sup>	Four	6 times/yr	Grab
Total suspended solids	Four	6 times/yr	Grab
<i>E. coli</i>	Four	Up to 3 times/yr	Grab

<sup>1</sup>The four locations include only storm water outfalls defined in Table IV.B.  
<sup>2</sup>A minimum of six (6) samples must be collected in a year. Assuming the presence of a significant storm (to be determined in consultation between co-permittees and IDEQ), monitoring should occur once during each of the following periods: March - April, May - June, July - August, September - October. Should no significant storm occur during any period, that sampling event must occur in the following period(s). *E. coli* would be monitored only from June to September. Sampling should occur within the first 30-60 minutes of significant storms.  
<sup>3</sup>Grab samples may be taken manually or with an automatic water sampler  
<sup>4</sup>Total inorganic nitrogen = nitrate + nitrite + ammonia

**Table IV.B – Storm Water Outfall Monitoring Locations**

OUTFALL	LOCATION	DESCRIPTION
PR-76	Lander Street, Center Line North Side of River	Twin 2'x3' Box Culvert
PR-40	Halliday Street, North Side of Street, North Side of River	84" Concrete
PR-101	Day Street/Carson Street, North Side of River	48" CMP
	Pocatello Creek at Highway 30 and Alameda Road	

**5. Surface Water Monitoring.** The co-permittees must conduct surface water monitoring which meets the following requirements:

- a) Two monitoring stations must be established in the Portneuf River, one at Edson Fichter Park and one at Highway 30 and Batiste Road, reflecting water quality both upstream and downstream of the influence of storm water from the Pocatello Urbanized Area.

- b) Surface water sample collection shall occur on the same day as storm water discharge sample collection.
- c) Surface water samples shall be grab samples.
- d) Surface water monitoring must start not later than 9 months from the effective date of this permit. Samples shall be analyzed for the parameters listed in Table IV.C.

**Table VI.C: Surface Water Monitoring Parameters and Locations**

Parameter (units)	Monitoring requirements		
	Sample location <sup>1</sup>	Sample frequency <sup>2</sup>	Sample type <sup>3</sup>
Flow (cfs)	Two	6 times/yr	Recording
Oil and grease (mg/L)	Two	6 times/yr	Grab
Total phosphorus (mg/L)	Two	6 times/yr	Grab
Total inorganic nitrogen (mg/L) <sup>4</sup>	Two	6 times/yr	Grab
Total suspended solids (mg/L)	Two	6 times/yr	Grab
<i>E. coli</i> (organisms/100 mL of water)	Two	Up to 3 times/yr	Grab
<sup>1</sup> Two locations: Edson Fichter Park and Highway 30 & Batiste Road, upstream and downstream of the influence of storm water from the Pocatello Urbanized Area <sup>2</sup> Surface water sampling should occur simultaneously with storm water discharge sampling <sup>3</sup> Grab samples may be taken manually or with an automatic water sampler <sup>4</sup> Total inorganic nitrogen = nitrate + nitrite + ammonia			

**6. Quality Assurance Requirements.** The co-permittees must develop a quality assurance plan (QAP) for all monitoring required in this Part. The QAP must be developed and implemented within 90 days of the effective date of this permit. Any existing QAPs may be modified for the requirements under this section. Upon completion of the QAP, the co-permittees must notify EPA and IDEQ in writing, as indicated in Part IV.D

- a) The QAP must be designed to assist in planning for the collection and analysis of storm water discharge and receiving water samples in support of the permit and in explaining data anomalies when they occur.
- b) Throughout all sample collection and analysis activities, the co-permittees must use the EPA-approved QA/QC and chain-of-custody procedures described in the following documents:
  - (i) *EPA Requirements for Quality Assurance Project Plans EPA-QA/R-5* (EPA/240/B-01/003, March 2001). A copy of this document can be found electronically at: <http://www.epa.gov/quality/qs-docs/r5-final.pdf>

- (ii) *Guidance for Quality Assurance Project Plans EPA-QA/G-5*, (EPA/600/R-98/018, February, 1998). A copy of this document can be found electronically at:  
<http://www.epa.gov/r10earth/offices/oea/epaqag5.pdf>

The QAP must be prepared in the form which is specified in these documents.

- c) At a minimum, the QAP must include the following:
  - (i) Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
  - (ii) Map(s) indicating the location of each sampling point.
  - (iii) Qualification and training of personnel.
  - (iv) Name(s), address(es) and telephone number(s) of the laboratories, used by or proposed to be used by the co-permittees.
- d) The co-permittees must amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
- e) Copies of the QAP must be maintained by the co-permittees and made available to EPA and/or IDEQ upon request.

## B. Recordkeeping

1. **Retention of Records.** The co-permittees must retain records and copies of all information (including all monitoring, calibration and maintenance records and all original strip chart recordings for any continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit) for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended at the request of the EPA at any time. Records include all information used in the development of the SWMP, all monitoring data, copies of all reports, and all data used in the development of the permit application.
2. **Availability of Records.** The co-permittees must submit the records referred to in Part IV.B.1 to EPA and IDEQ only when such information is requested. The co-permittees must retain all records comprising the SWMP required by this

permit (including a copy of the permit language and all Annual Reports) at a location accessible to the EPA. The co-permittees must make all records, including the permit application and the SWMP, available to the public if requested to do so in writing. The public must be able to view the records during normal business hours. The co-permittees may charge the public a reasonable fee for copying requests.

## **C. Reporting Requirements**

**1. Storm Water Discharge Monitoring Report.** All storm water discharge monitoring data must be submitted annually as part of the Annual Report. At a minimum, this Storm Water Discharge Monitoring Report must include:

- a) Dates of sample collection and analyses
- b) Results of sample analyses
- c) Location of sample collection
- d) An overall assessment of the previous 12 months of data;
- e) A cumulative estimate of pollutant loading for each parameter at each sample location, and an overall estimate of the contribution of pollutants from all storm water emanating from the Pocatello Urban Area.

**2. Surface Water Monitoring Report.** All surface water monitoring data must be submitted annually as part of the Annual Report. At a minimum, this Surface Water Monitoring Report must include:

- a) Dates of sample collection and analyses;
- b) Results of sample analyses; and
- c) Locations of samples collection.

**3. Annual Report.** One year from the effective date of this permit, and annually thereafter, the co-permittees shall prepare and submit an Annual Report to EPA and IDEQ. Copies of all Annual Reports shall be made available to the public, at a minimum, through a co-permittee-maintained website, or other easily accessible location. The following information related to the SWMP must be contained in each Annual Report:

- a) An evaluation of overall compliance with the requirements of this permit, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals of the SWMP for each minimum control measure;
- b) A summary of the activities the co-permittees plan to undertake during the next reporting cycle (including an implementation schedule) for each minimum control measure;

- c) A description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable water quality standards; and
- d) Notice if the co-permittee(s) are relying on another entity to satisfy some of the permit obligations, if applicable.
- e) Regarding the **Public Education and Outreach** measure, the Annual Report must include a description of:
  - (i) all public education program and outreach activities accomplished during the previous calendar year, the methods and frequency of disseminating information; and the target audiences and pollutants/sources that are addressed by the program;
  - (ii) an estimate the number of people reached by the program over the previous twelve month period;
  - (iii) the goals for the public education and outreach program over the next calendar year, and the dates by which the goals will be achieved; and
  - (iv) The name, title, and contact information of the person(s) responsible for implementing and coordinating the education activities.
- f) Regarding the **Public Involvement** measure, the Annual Report must include a description of:
  - (i) In the first Annual Report only, the State or local requirements for public involvement, including how the public was involved in the development of the SWMP submitted with the permit application.
  - (ii) In all Annual Reports, describe all activities and target audiences for public involvement accomplished for the preceding 12 month period; and the procedure(s) for receiving and reviewing public comments;
  - (iii) the goals for public involvement/participation over the next 12 month period and dates by which the goals will be achieved; and
  - (iv) the name, title, and contact information of the person(s) responsible for implementing and coordinating the public involvement/participation activities.
- g) Regarding the **Illicit Discharge Detection and Elimination** measure, the Annual Report must include a description of:
  - (i) the criteria used to prioritize investigations in areas suspected of having illicit discharges, (*e.g.* targeting older areas of the city, areas of high public complaints, and areas of high recreational value or high environmental value);
  - (ii) the procedures used to locate and remove illicit discharges, including detection methods;

- (iii) a summary of all dry weather testing conducted to date, and of co-permittee activity to remove any illicit discharge(s) identified;
  - (iv) a copy of the established ordinance(s) or other regulatory mechanism used to prohibit illicit discharges into the MS4. If the co-permittees have not yet developed this local requirement, describe the plan and schedule for doing so, as well as any progress towards implementation. Also include a summary of any local controls or conditions placed on the non-storm water discharges listed in Part I.D.1.c.;
  - (v) the illicit discharge enforcement policy and jurisdiction;
  - (vi) the methods used over the previous 12-month period to inform the public and/or train public employees about illicit discharges and the improper disposal of waste;
  - (vii) a list of goals for the illicit discharge detection and elimination program for the next 12-month period, and dates by which the goals will be achieved;
  - (viii) a list of the industrial facilities that discharge directly into the MS4 or waters of the United States within the Pocatello Urbanized Area, their locations, the locations of their outfalls, and their NPDES permit coverage status for the storm water discharges; and
  - (ix) The name, title, and contact information of the person(s) the person(s) responsible for coordination and implementation of the illicit discharge detection and elimination program.
- h) Regarding the **Construction Site Runoff Control measure**, the Annual Report must include :
- (i) a copy of the established ordinance or other regulatory mechanism used to require erosion, sediment and waste controls at construction sites;
  - (ii) A summary of the number of sanctions and enforcement actions taken by the co-permittees to ensure compliance with the construction site ordinance during the previous 12-month period.
  - (iii) A copy of the written requirements for appropriate erosion, sediment and waste control BMPs at construction site A summary of the number of site plan reviews conducted;
  - (iv) A description of the procedures for receipt and consideration of information submitted by the public;
  - (v) A summary of the number of sites inspected during the previous 12-month period, including a description of the site inspection procedures, how sites will be prioritized for inspection, when and how often a site will be inspected;



- (vi) A list of goals for the construction site runoff control program, and dates by which the goals will be achieved; and
  - (vii) The name, title, and contact information of the person(s) the person(s) responsible for coordination and implementation of the construction site runoff control program.
- i) Regarding the **Post Construction Storm Water Requirements for New Development and Re-Developed Areas** measure, the Annual Report must include:
- (i) A copy of the BMP design manual containing structural and non-structural BMPs that is used to manage post-construction runoff from new development and redevelopment projects within the MS4(s).
  - (ii) A description and list of any specific priority areas for this program;
  - (iii) An explanation of the design and performance features of the chosen BMPs that are intended to minimize water quality impacts;
  - (iv) A copy of the established ordinance or other regulatory mechanism used to address post-construction runoff control;
  - (v) A description of how co-permittees will ensure long-term operation and maintenance of the selected BMPs, including the organizations responsible and their expected operation and maintenance schedule;
  - (vi) A description of the plans to inform and educate developers and the public about appropriate project designs that minimize water quality impacts;
  - (vii) A list of goals for the post-construction runoff control program, including and dates by which the goals will be achieved; and
  - (viii) The name, title, and contact information of the person(s) the person(s) responsible for coordination and implementation of the post-construction SWMP.
- j) Regarding the **Pollution Prevention/Good Housekeeping in Municipal Operations** measure, the Annual Report must include a description of:
- (i) the activities, maintenance schedules, and long-term inspection procedures for controls to reduce pollutants to the MS4;
  - (ii) the employee training program used to prevent and reduce storm water pollution including the targeted department personnel, frequency of such training, and a copy of training materials;
  - (iii) A summary description of controls for reducing or eliminating the discharge of pollutants from areas owned or operated by the co-permittees, including streets, roads, and highways; municipal parking lots; maintenance and storage yards; waste transfer stations; fleet or

maintenance shops with outdoor storage areas; salt/sand storage locations; and snow management/disposal sites operated by the co-permittees;

- (iv) A list of all industrial facilities owned or operated by the co-permittees that discharge to the MS4 or waters of the U.S., including industrial facilities subject to EPA's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity. Include the EPA permit tracking number or a copy of the Notice of Intent form for each facility, as appropriate;
- (v) A list of goals for the pollution prevention and good housekeeping program, including dates by which the goals will be achieved; and
- (vi) The name, title, and contact information of the person(s) responsible for coordination and implementation of the pollution prevention and good housekeeping program.

#### **D. Addresses**

Reports and other documents required by this permit must be submitted to each of the following addresses:

EPA: United States Environmental Protection Agency  
Attention: Storm Water Program  
NPDES Compliance Unit  
1200 6<sup>th</sup> Avenue (OCE-133)  
Seattle, WA 98101

IDEQ: Idaho Department of Environmental Quality  
Pocatello Regional Office  
444 Hospital Way, #300  
Pocatello, ID 83201

### **V. COMPLIANCE RESPONSIBILITIES**

**A. Duty to Comply.** The co-permittees must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

#### **B. Penalties for Violations of Permit Conditions**

**1. Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act,

is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$32,500 per day for each violation).

**2. Administrative Penalties.** Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$32,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$157,500).

### **3. Criminal Penalties**

- a) **Negligent Violations.** The Act provides that any person who negligently violates Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two years, or both.
- b) **Knowing Violations.** Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.
- c) **Knowing Endangerment.** Any person who knowingly violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious

bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- d) **False Statements.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

**C. Need to Halt or Reduce Activity not a Defense.** It shall not be a defense for the co-permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

**D. Duty to Mitigate.** The co-permittees must take all reasonable steps to minimize or prevent any discharge or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**E. Proper Operation and Maintenance.** The co-permittees must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the co-permittees to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the co-permittees only when the operation is necessary to achieve compliance with the conditions of the permit.

**F. Toxic Pollutants.** The co-permittees must comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**G. Planned Changes.** The co-permittees must give notice to the Director and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

**H. Anticipated Noncompliance.** The co-permittees must give advance notice to the Director and IDEQ of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

## VI. GENERAL PROVISIONS

**A. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§ 122.62, 122.64, or 124.5. The filing of a request by the co-permittees for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**B. Duty to Reapply.** If the co-permittees intends to continue an activity regulated by this permit after the expiration date of this permit, the co-permittees must apply for and obtain a new permit. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the co-permittees must submit a new application at least 180 days before the expiration date of the permit, or in conjunction with the fourth Annual Report. The reapplication package must contain the information required by 40 CFR §122.21(f) which includes: name and mailing address(es) of the co-permittees(s) that operate the MS4(s), and names and titles of the primary administrative and technical contacts for the municipal co-permittees(s). In addition, the co-permittees must identify the identification number of the existing NPDES MS4 permit; any previously unidentified water bodies that receive discharges from the MS4; a summary of any known water quality impacts on the newly identified receiving waters; a description of any changes to the number of applicants; and any changes or modifications to the Storm Water Management Program. The re-application package may incorporate by reference the fourth Annual Report when the reapplication requirements have been addressed within that report.

**C. Duty to Provide Information.** The co-permittees must furnish to the Director and IDEQ, within the time specified in the request, any information that the Director or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The

co-permittees must also furnish to the Director or IDEQ, upon request, copies of records required to be kept by this permit.

**D. Other Information.** When the co-permittees becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or IDEQ, the co-permittees must promptly submit the omitted facts or corrected information.

**E. Signatory Requirements.** All applications, reports or information submitted to the Director and IDEQ must be signed and certified as follows.

1. All permit applications must be signed as follows:
  - a) For a corporation: by a responsible corporate officer.
  - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
  - c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director or the IDEQ must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a) The authorization is made in writing by a person described above;
  - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the organization; and
  - c) The written authorization is submitted to the Director and IDEQ.
3. Changes to authorization. If an authorization under Part VI.E.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part VI.E.2 must be submitted to the Director and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this Part must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed

to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**F. Availability of Reports.** In accordance with 40 CFR Part 2, information submitted to EPA pursuant to this permit may be claimed as confidential by the co-permittees. In accordance with the Act, permit applications, permits and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the co-permittees. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2, Subpart B (Public Information) and 41 Fed. Reg. 36902 through 36924 (September 1, 1976), as amended.

**G. Inspection and Entry.** The co-permittees must allow the Director, IDEQ, or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the co-permittees' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

**H. Property Rights.** The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, nor any infringement of state or local laws or regulations.

**I. Transfers.** This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the co-permittees and incorporate such other requirements

as may be necessary under the Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)

#### **J. State/Tribal Environmental Laws**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the Act.
2. No condition of this permit releases the co-permittees from any responsibility or requirements under other environmental statutes or regulations.

**K. Oil and Hazardous Substance Liability** Nothing in this permit shall be constructed to preclude the institution of any legal action or relieve the co-permittees from any responsibilities, liabilities, or penalties to which the co-permittees is or may be subject under Section 311 of the CWA or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

**L. Severability** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to the circumstances, and the remainder of this permit shall not be affected thereby.

### **VII. REOPENER CLAUSE**

This permit may be modified, or alternatively, revoked and reissued, to address the application of different permit conditions if new information, (such as future water quality studies and waste load allocation determinations) or new regulations, show the need for different conditions. If there is evidence indicating that the storm water discharges authorized by this permit cause, or have the potential to cause a violation of a water quality standard, EPA may reopen this permit to include different limitations or requirements

### **VIII. DEFINITIONS AND ACRONYMS**

All definitions contained in Section 502 of the Act and 40 CFR Part 122 apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided but, in the event of a conflict, the definition found in the statute or regulation takes precedence.

“Administrator” means the Administrator of the EPA, or an authorized representative.

“Best Management Practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.



“Control Measure” as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

“CWA” or “The Act” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq.

“Director” means the Environmental Protection Agency Regional Administrator, the Director of the Office of Water and Watersheds, or an authorized representative.

“Discharge” when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR §122.2.

“Discharge of Storm Water Associated with Construction Activity” as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (*e.g.*, clearing, grading, or excavation), construction materials or equipment storage or maintenance (*e.g.*, fill piles, borrow areas, concrete truck washout, fueling) or other industrial storm water directly related to the construction process are located. (See 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15) for the two regulatory definitions of storm water associated with construction sites.)

“Discharge of Storm Water Associated with Industrial Activity” is defined at 40 CFR §122.26(b)(14)

“Discharge Monitoring Report or DMR” means the EPA uniform national form, including any subsequent additions, revisions or modification for the reporting of self monitoring results by co-permittees. See 40 CFR §122.2.

“EPA” means the Environmental Protection Agency Regional Administrator, the Director of the Office of Water and Watersheds, or an authorized representative.

“Facility or Activity” means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“IDAPA” means Idaho Administrative Procedure Act.

“IDEQ” means the Idaho Department of Environmental Quality.

“Illicit Connection” means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

“Illicit Discharge” is defined at 40 CFR §122.26(b)(2) and means any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

“Industrial Activity” as used in this permit refers to the eleven categories of industrial activities included in the definition of discharges of storm water associated with industrial activity at 40 CFR §122.26(b)(14).

“Industrial Storm Water” as used in this permit refers to storm water runoff associated with the definition of discharges of storm water associated with industrial activity.

“MEP” or "maximum extent practicable," means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR §122.34.

“Measurable Goal” means a quantitative measure of progress in implementing a component of a storm water management program.

“MS4” means "municipal separate storm sewer system" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System. The term, as used within the context of this permit, refers to small MS4s (see definition below) and includes systems operated by federal state, or local public entities (*e.g.*, military facilities, prisons, and systems operated by other levels of government).

“Municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA.

“Municipal Separate Storm Sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the CWA. The term includes an ‘approved program.’

“Outfall” means a point source (defined below) at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which

connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

“Owner or operator” means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Permitting Authority” means EPA.

“Pocatello Urbanized Area” means the greater Pocatello, Idaho, area delineated by the Year 2000 Census by the U.S. Bureau of the Census according to the criteria defined by the Bureau on March 15, 2002 (67 FR 11663) namely, the area consisting of contiguous, densely settled census block groups and census blocks that meet minimum population density requirements, along with adjacent densely settled census blocks that together encompass a population of at least 50,000 people.

“Point Source” means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Pollutant" is defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“QA/QC” means quality assurance/quality control.

“QAP” means Quality Assurance Plan.

“Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

“Significant contributors of pollutants” means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

“Small Municipal Separate Storm Sewer System” is defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas such as individual buildings.

“Storm Water” is defined at 40 CFR §122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm Water Management Program (SWMP)” refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

“TMDL” means Total Maximum Daily Load, an analysis of pollutant loading to a body of water detailing the sum of the individual waste load allocations for point sources and load allocations for non-point sources and natural background. See 40 CFR §130.2.

“Waters of the United States” means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands";
3. All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs 1. through 4. of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds for steam electric generation stations per 40 CFR Part 423) which also meet the criteria of this definition are not waters of the United States. Waters of the United States do not include prior converted cropland.

Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

“Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.